



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2682
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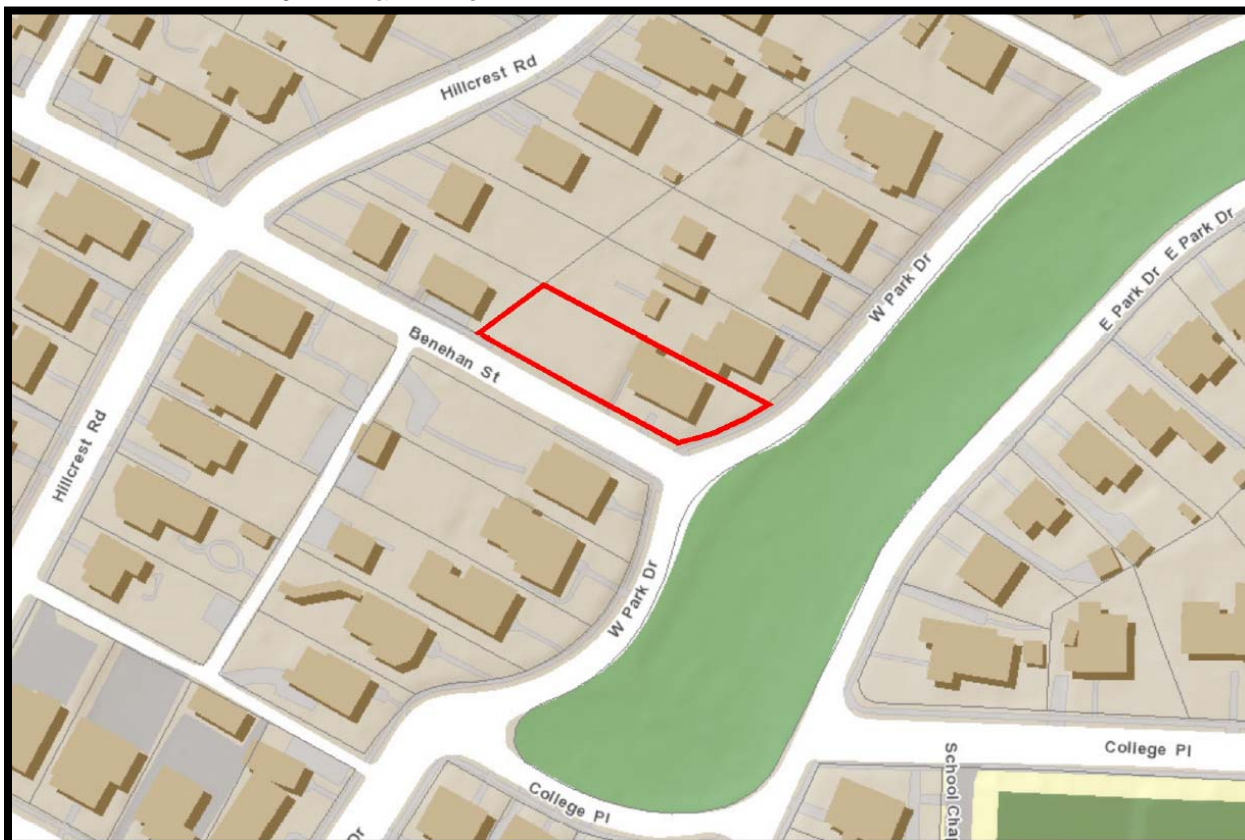
Case File: A-134-17

Property Address: 201 W. Park Drive

Property Owner: David Timothy Clancy

Project Contact: Isabel Mattox

Nature of Case: A request for a 39' variance in the primary street setback requirements for accessory structures set forth in Section 2.2.1. of the Unified Development Ordinance, a 6' variance from the garage placement requirements set forth in Section 5.4.3.F.2.a.ii. of the Unified Development Ordinance, a 6' variance in the building separation requirements set forth in Section 6.7.2.B. of the Unified Development Ordinance and a 4.25' variance to the minimum driveway length standards set forth in Section 6.5.7.G of the Street Design Manual to construct an accessory garage which results in an 11' primary street setback for a detached accessory detached garage, a detached garage that protrudes 6' beyond the primary façade of the principal structure, a 4' separation between accessory structures and a 13.75' long driveway on a .28 acre parcel zoned Residential-6 and Neighborhood Conservation Overlay District and located at 201 W. Park Drive.



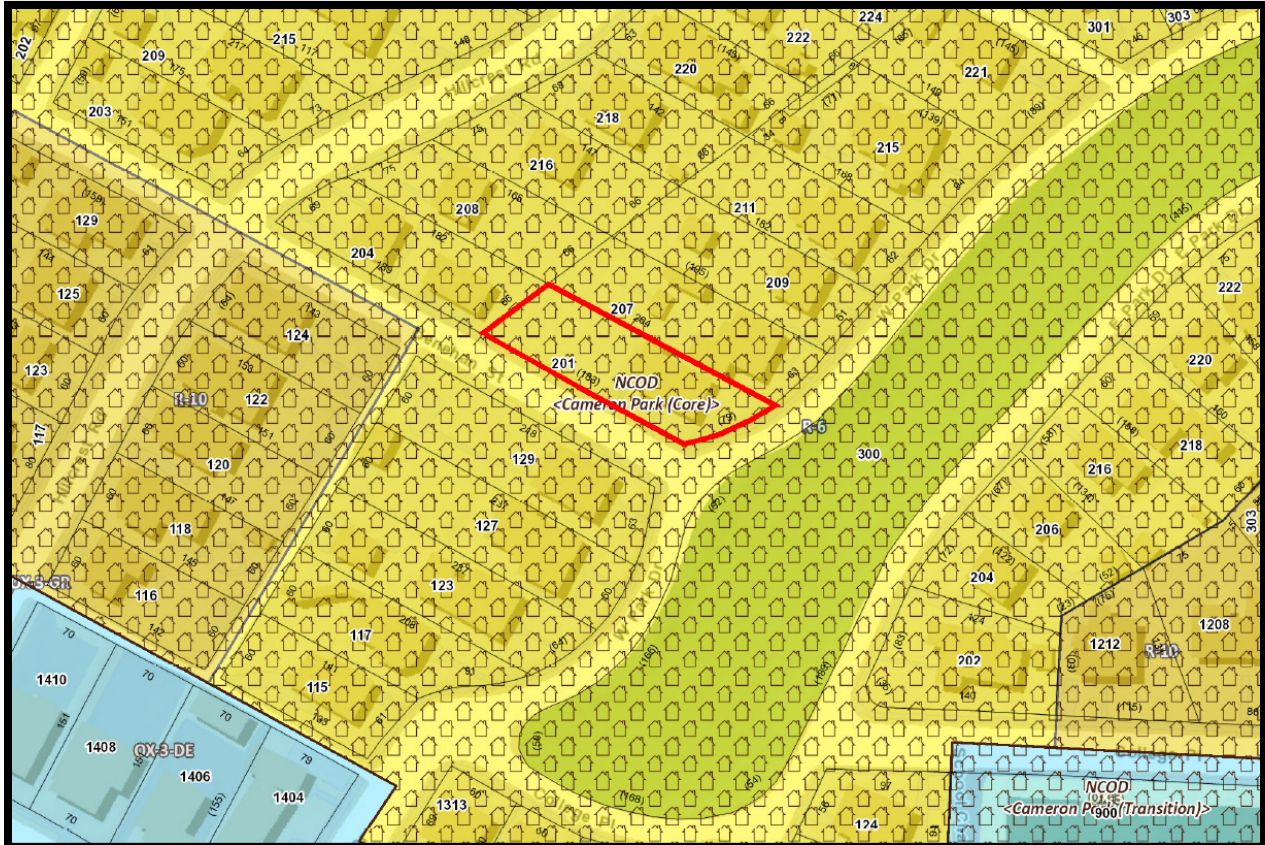
201 W. Park Drive – Location Map

To BOA: 12-11-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING

DISTRICTS: Residential-6 and Neighborhood Conservation Overlay District (Cameron Park)



201 W. Park Drive – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Residential-6 and Neighborhood Conservation Overlay District (Cameron Park)

R-6: Lot Dimensions

Area (min)	6,000 SF
Width – interior lot (min)	50
Width – corner lot (min)	65'
Depth -	80;'

R-6: Yard Type

Principal Structure Minimum Setback

Primary Street	10'
Side Street	10'
Side	5'
Sum of Sides	15'
Rear	20'

R-6: Yard Type

Accessory Structure Minimum Setback

Primary Street	50'
Side Street	20'
Side	5'
Rear	5'

Cameron Park Neighborhood NCOD**a. Core Area**

- i. Maximum lot size: 21,779 square feet.
- ii. Front yard setback: Within 10% of the average front yard setback of houses on the same block face. No portion of any garage or carport shall protrude beyond the primary facade of the principal structure. Covered porches shall be considered part of the primary facade. For corner lots with driveway access from the secondary side, attached garage entrances must be set back at least 10 feet from the secondary side building elevation. A secondary side elevation is the alternative side of a corner lot house that faces a roadway, but does not include a primary entrance to the house.
- iii. Side yard setback: Within 5 feet of the average side yard setback and corner side yard setback of other properties on the block face, but no less than 5 feet.
- iv. Setback for accessory structures: Side and rear yard setbacks for accessory structures, including those greater than 150 square feet shall be a minimum of 3 feet.
- v. Maximum building height: 30 feet with the exception of those lots fronting on Park Drive between Oberlin Road and Forest Road (except the lots fronting the south side of Park Drive, between Oberlin Road and Groveland Avenue), all lots fronting on West Johnson Street and on the south side of Peace Street, and the 3 lots fronting the south side and the 4 lots fronting the north side of Park Drive immediately west of St. Mary's Street (Wake County Registry: DB 08350, PG 1823; DB 02660, PG O-E-; DB 11659, PG 1800; DB 02425, PG 0670; DB 12811, PG 0908; DB 07129, PG 0713; DB 09060, PG 1175), which shall be limited to a maximum building height of 26 feet.

Staff note: TC-5-17, scheduled for Public Hearing on 3-7-17 proposes to increase these heights by 8'.
- vi. Building placement and building entrance: The orientation of the building and entry level of the main entrance to the building shall be located in a manner that is the same as the majority of the buildings on the block face.
- vii. Vehicular surface areas: New driveways onto public streets shall not be allowed for lots adjacent to alleys. Within that portion of the front yard area (as measured perpendicular to the right-of-way), between the principal building and the public street, new vehicular surface area shall not be permitted except where there are no adjacent alleys and when driveways are constructed alongside the house in the shortest practical distance from the right-of-way to the rear of the building. Parking areas and any other vehicular surface area installed prior to the August 3, 2010 shall not be deemed a zoning nonconformity. No vehicular entrance to a garage attached to the principal structure shall face the front yard. Maximum driveway width shall be limited to 12 feet for single driveways and 20 feet for shared driveways.

b. Transition Area B

- i. Maximum building height: 40 feet when located within 75 feet of an adjacent Core Area lot.

Application for Variance



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (If more space is needed, submit addendum on separate sheet): See attached Exhibit A.	Transaction Number A-134-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address	201 W. Park Drive, Raleigh, NC 27605	Date
		November 10, 2017
Property PIN	1704201850	Current Zoning
		R-6 with NCOD
Nearest Intersection	W. Park Drive and Benehan Street	Property size (in acres)
		.28 acres
Property Owner	David Timothy Clancy	Phone
		Fax
Owner's Mailing Address	201 W. Park Drive, Raleigh, NC 27605	Email
Project Contact Person	Isabel Worthy Mattox	Phone
		919-828-7171
		Fax
		919-831-1205
Contact Person's Mailing Address	P.O. Box 946, Raleigh, NC 27602	Email
		isabel@mattoxfirm.com
Property Owner Signature	<i>David Timothy Clancy</i>	Email
Notary	Notary Signature and Seal	
Sworn and subscribed before me this <u>26th</u> day of <u>October</u> , 20 <u>17</u>		
	<i>Deana B. Bass</i> expires 10/25/2021	

EXHIBIT A
TO
APPLICATION FOR VARIANCE

DAVID TIMOTHY CLANCY -- 201 W. PARK DRIVE
BENEHAN-PRIMARY

Applicant requests:

- (1) **Primary Street Setback for Accessory Building.** A 39-foot variance in the primary street setback for R-6 zoning with Cameron Park NCOD under UDO Section 2.2.C.1, which requires a 50-foot primary street setback for an accessory structure.
- (2) **Protrusion beyond front façade.** A 6-foot variance in the NCOD requirement set forth in 5.4.3.F.2.a.ii which precludes any portion of any garage or carport from protruding beyond the primary façade of the principal structure.
- (3) **Building Separation.** A 6-foot variance in the 10-foot building separation requirement for accessory buildings set forth in UDO Section 6.7.2.B.
- (4) **Driveway.** A 4.25-foot variance under Section 6.5.7.G. of the Street Design Manual which requires that a driveway be at least eighteen (18) feet long.

(1) **Primary Street Setback for Accessory Building.** The Cameron Park NCOD generally specifies smaller setbacks than generally required in view of the urban and densely built character of the neighborhood. Unfortunately, the NCOD did not specify a setback for accessory structures; thus that setback requirement reverts back to the underlying district requirement which is 50' from the Primary Street. In the case of the subject property, there are hardship circumstances which prevent compliance with the Primary Street setback for an accessory building and force the garage into its proposed location. The lot is less than 60 feet deep in the center of the lot and the house and front setback consume a total of 56.4 feet in total. Consequently, there is no way to maintain a 50 foot setback on 60+/- lot for even a minimal garage/maneuverability area. In addition, the retention of an existing greenhouse requires that the garage be closer to the street than the 50' setback would allow. Finally, the angle of the side lot line would require considerably more expense and impervious surface than would be required by the proposed placement of the garage. It is also worth noting that the proposed garage location is in the general historical location of a detached garage (see 1986

survey attached as Exhibit A-1) which is adjacent to an existing curb cut and is directly adjacent to a detached garage on the neighboring property to the northwest.

(2) **Protrusion behind front façade.** Applicant requests relief from the NCOD requirement set forth in 5.4.3.F.2.a.ii which precludes any portion of any garage or carport from protruding beyond the primary façade of the principal structure. In this case, the front façade of the principal structure is approximately 17 feet from the street and Applicant requests that the new garage be located approximately 11 feet from the street at its closest point. There is significant topographical change from the street to the side yard which creates a hardship in locating the garage behind the front faced. In addition, Applicant maintains an extensive garden, wall, steps and landscaping in the area beside the house which would have to be removed to accommodate a location which would comply with this requirement. In addition the same hardship conditions set forth in items 1 above make compliance with this requirement difficult.

(3) **Building Separation.** UDO Section 6.7.2.B provides that no accessory building may be located closer than 10 feet to any other building or structure on the same lot. In this case, there is an existing greenhouse which is located approximately 6 feet from the proposed garage. The placement of the garage in close proximity to the greenhouse is required because of the hardship circumstances noted in item (1) above, however the non-compliance with this separation requirement is mitigated by the fact that the greenhouse building is not a typical monolithic structure but rather a glass building permeated by significant light on all four (4) sides. In addition, there is an existing wall, steps, garden and landscaping which would have to be removed to accommodate a location which would maintain the required building separation.

(4) **Driveway Length.** The Street Design Manual requires a residential driveway to be at least eighteen (18) feet long, as measured from the right-of-way to the face of the garage. In this case, the left half of the driveway maintains the required length, but the right half (which may be considered an adjacent parking place) does not. To the extent that an 18-foot length is required for all paved area between the right-of-way and the garage, a variance of 4.25 feet is requested. This request is supported in part by the existence of the required length for a portion of the driveway. In addition, increasing the length of the driveway is made impossible because of the location of the greenhouse and a wall and heavy landscaping along the street.

Exhibit A-1 To Application for Variance David Timothy Clancy – 201 W. Park Drive

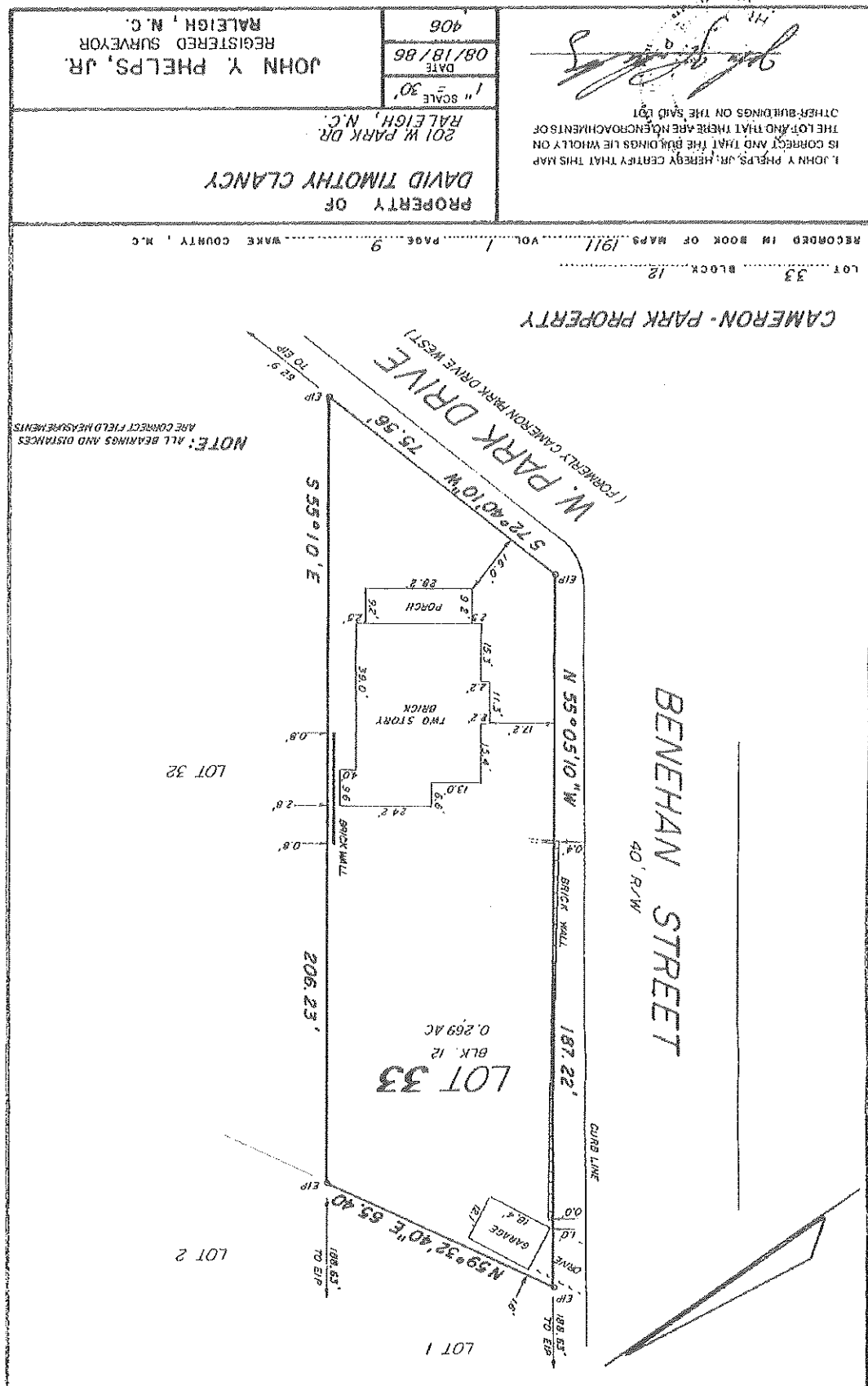
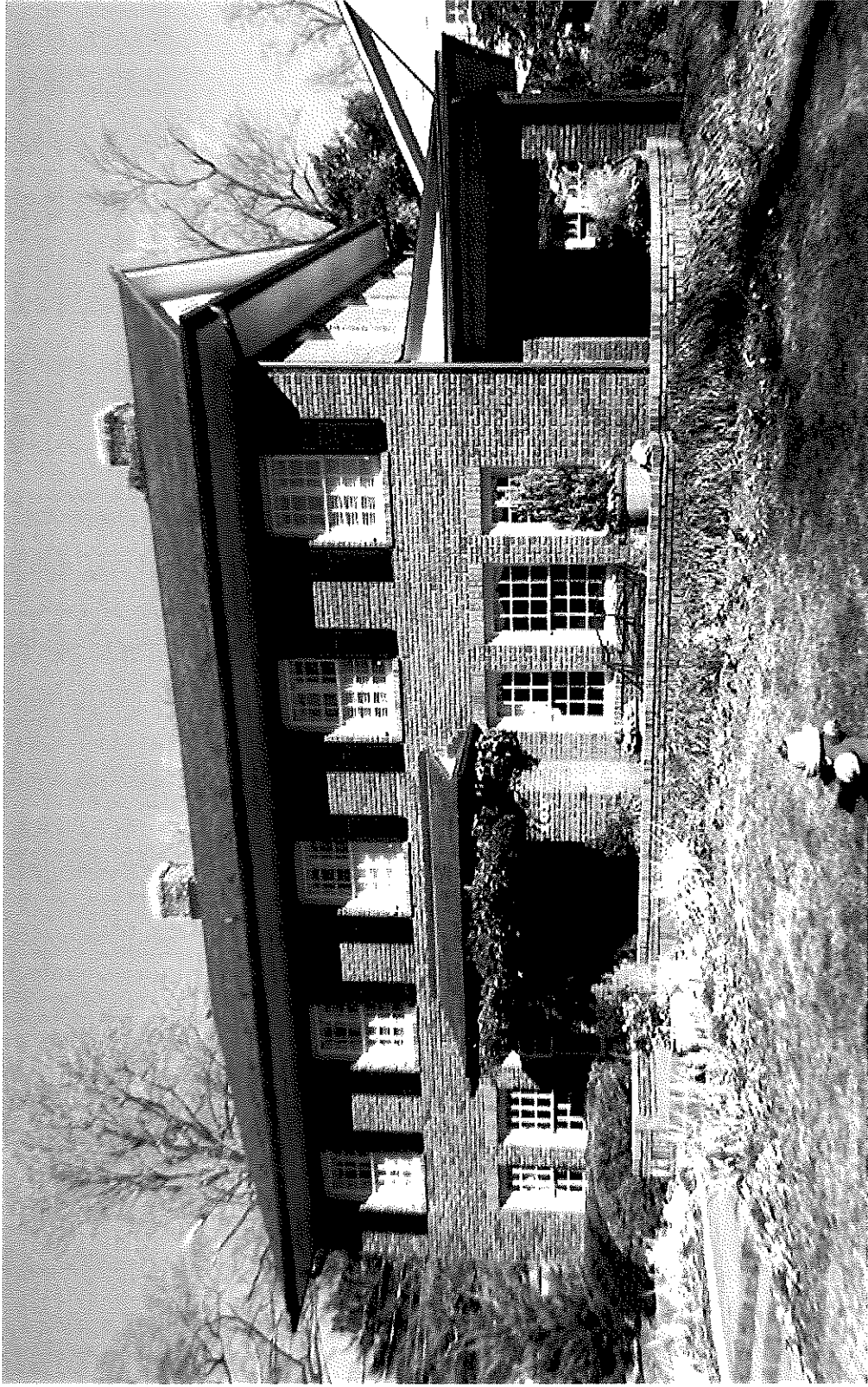
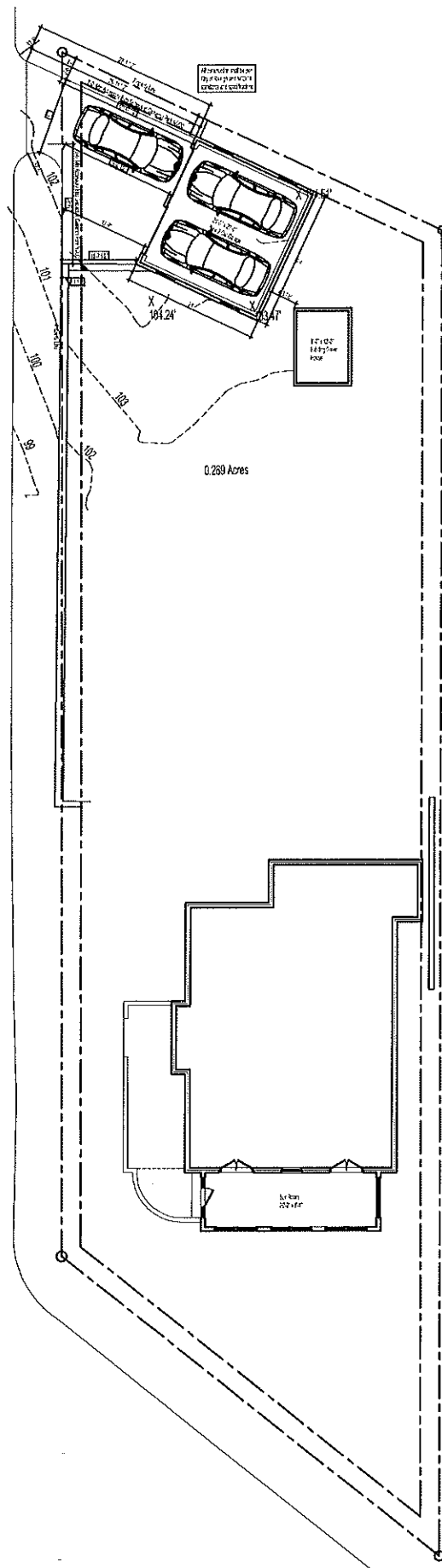
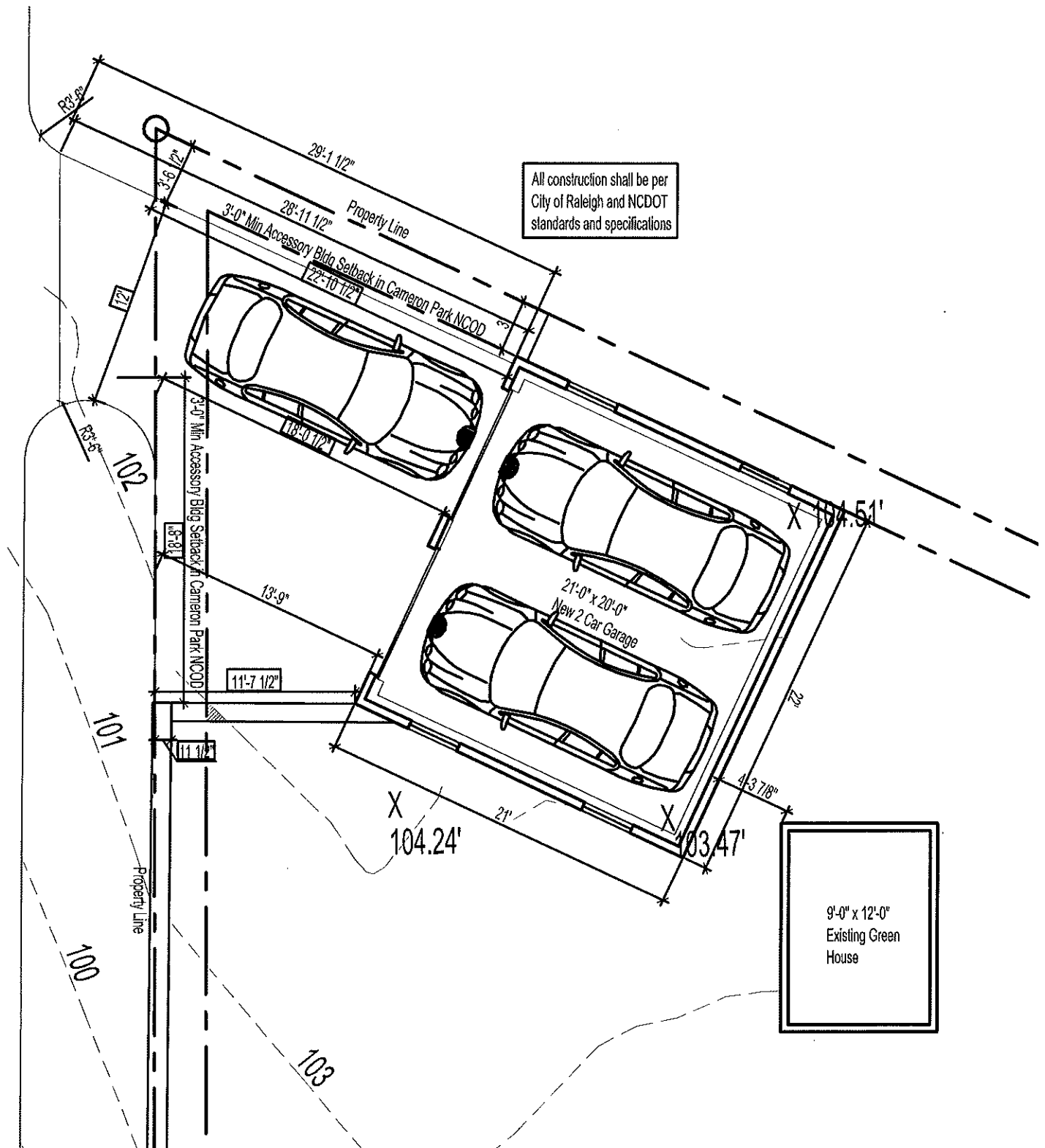


Exhibit A-2
To Application for Variance
David Timothy Clancy – 201 W. Park Drive



0031311 02/18/2013





1704201850
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CARY NC 27512-0699

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HALES, JENNIFER LEA WARD, GRAYMON
JOSEPH
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ALEXANDER G
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LEBLANC, GERALD A LEBLANC, KATHLEEN
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